

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated October 7, 2008 and, thus, the application is in condition for allowance.

By this reply, no claims are amended. Claims 1-3, 5-13, and 15-18 remain pending. Of these, claims 1 and 10 are independent.

In the outstanding Office Action, claims 1-3, 5-13, and 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fascenda (U.S. Application No. 2004/0068653) in view of Hurst et al. (U.S. Pub. No. 2003/0224823). Applicant respectfully traverses.

With respect to claims 1 and 10, it is asserted that Fascenda discloses all of the limitations of the present invention as recited in the claims but for a software interface for allowing a user to select which one of the plurality of sets of subscription parameters to activate. Further, it is alleged that Hurst does disclose this process and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references. Applicant respectfully traverses.

Neither Fascenda nor Hurst, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, neither Fascenda nor Hurst teach or fairly suggest a software interface for allowing a user to select which one of the plurality of sets of subscription parameters to activate as disclosed in Applicant's invention. Hurst appears to disclose a method of activation of secure content stored on a removable memory card once inserted into a wireless device. The object of Hurst's invention is to prevent unauthorized access to this secure content. Thus each removable memory card contains a single set of parameters. Therefore the user, according to Hurst, does not engage in a selection process.

Additionally, Hurst does not disclose nor describe a software interface. Hurst discloses “a user attempts to access content” (see paragraph 0066) without disclosing any means for making such attempt. Furthermore, Hurst’s disclosure requires the presence of an operator service to access the secure content. According to Hurst, a user alone cannot complete the content access.

Since Fascenda does not teach, among other things, a software interface for allowing a user to select which one of the plurality of sets of subscription parameters to activate and Hurst does not teach, among other things, a software interface, a plurality of subscription parameters, or a selection process at all, the combination offers no suggestion or motivation to combine the references to encompass the elements of claims 1 and 10. Thus, the rejection should be withdrawn and the claims allowed to issue.

Regarding claims 2-3 and 5-9, it is asserted that Fascenda in light of Hurst renders these claims obvious. As claims 2-3, 5-9 are dependent upon claim 1, each of the elements of claim 1 are necessarily present in these claims. Because the combination of Fascenda and Hurst does not disclose each element of claim 1, for at least the reasons set forth above, the cited references do not disclose the additional elements of claims 2-3 and 5-9. Thus, the cited references do not render these claims obvious.

Regarding claims 11-13 and 15-18, it is asserted that Fascenda in light of Hurst renders these claims obvious. As claims 11-13, 15-18 are dependent upon claim 10, each of the elements of claim 10 are necessarily present in these claims. Because the combination of Fascenda and Hurst does not disclose each element of claim 10, the cited references do not disclose each element of claims 11-13 and 15-18. Thus, the cited references do not render these claims obvious.

No fees are believed to be with this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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